

## **REMARKS**

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-6, 8-15, 17-20, 22-26 and 28-33 are pending and rejected. In this response, claims 1, 8, 17, 22 and 28 have been amended. No new claims have been added. No claims have been canceled. Thus, claims 1-6, 8-15, 17-20, 22-26 and 28-33 remain pending. Support for the amendments can be found throughout the specifications as filed (e.g., Figures 4A and 4B). No new matter has been added.

Claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis et al., US Patent Application Publication No. US2003/0149988 (hereinafter “Ellis”) in view of US Patent No. 5,517,632 to Matsumoto et al. (hereinafter “Matsumoto”) and further in view of Kazushi Yoda, US Patent No. 6,593,946 (hereinafter “Yoda”). However, Applicant respectfully submits that applicant’s claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33, as amended, are patentable over the cited references.

Specifically, for example, independent claim 1 requires a specific graphical user interface for editing the time based stream of information (e.g., a video clip). During the editing, the video clip may be partitioned into multiple pieces and placed into the first display area (e.g., shelf 230 of Figure 4A), where content of these pieces may be overlapped and referenced (e.g., via reference data) to an identical segment of the time based stream information that is stored in a storage. For example, the first piece may include frames 1-6 while the second piece may include frames 4-10; however, frames 4-6 from both pieces are referenced to the same segment (e.g., the segment corresponding to frames 4-6) of the time based stream stored in the storage.

Any pieces displayed in the first display area can be selected and placed into an editing window (e.g., a second display area such as window 240 or 242 of Figure 4A) for authoring a presentation, where multiple locations of the sequence being edited may include a copy of the same clip selected from the shelf. The presentation being authored can also be displayed in a third display area (e.g., window 246 of Figure 4A). Thus, when a clip is selected from the first display area and placed into the editing window, a reference data is generated to reference to the clips displayed in the first window. In addition, as described above, the portioned first and second portions may also include reference data to reference to the corresponding segment of the file or files stored in the storage.

When a user selects and attempts to delete a particular portion or clip from the GUI, the storage system will check whether the corresponding segment of the file or files are currently being references by multiple pieces of clips being authored or selected in the GUI. If there is no more than one reference currently referenced to the selected portion, the system will permanently delete the selected portion from the storage to save some storage space. Therefore, unlike other conventional systems, any unreferenced portion segment of a file stored in the storage will be permanently deleted in response to a user deletion command during the video editing. It is respectfully submitted that these limitations are absent from the cited references.

Rather, Ellis teaches an interactive television program guide system providing users with an opportunity to select programs for recording on a remote media server or a local media server using VCR like control over programs that are played back from the media servers and over real-time cached copies of the programs (Ellis, ABSTRACT). Ellis' program guide provides users an opportunity to delete programs that are no longer desired (Ellis, [0167]). Ellis also discloses a media server issues a delete command to a storage device to delete a selected program from its

media store and update media directories and user directory (Ellis, [0168]). In addition, Ellis describes media servers automatically delete portions of a program that is being real-time cached (Ellis, [0169]). According to Ellis, an interactive program guide television equipment is arranged in a client-server based or distributed interactive program guide system using, for example, an Internet based approach (e.g., the HyperText Transfer Protocol (HTTP)) (Ellis, [0066]-[0069]). Thus, Ellis' interactive program guide server forwards program guide data to a user according to user's requests.

However, it is respectfully submitted that Ellis fails to disclose the video editing features in connection with referenced segments of a file or files stored in a storage. In fact Ellis is about interactive TV programs that can be downloaded from a remote server and may be cached locally, which has nothing to do with video editing. In Ellis, when no user wants to keep the TV program, a TV program can be deleted from the storage. There is no disclosure within Ellis that such a TV program can be edited or partitioned into multiple pieces for editing and for authoring a presentation. A TV program can only be deleted as a whole.

In addition, Ellis also fails to disclose checking the reference data when attempting to delete a portion of a clip. Since in Ellis, the whole TV program will be deleted, there is no need for reference data for deletion purposes. Furthermore, Ellis also fails to disclose the specific configuration of GUIs for video editing. Again, Ellis is not about video editing at all.

Yoda, on the other hand, teaches a method of controlling a terminal device which receives display information from a host device and displays the display information on a screen to display the newest display information in a predetermined area of the screen and display previous display information once displayed as the newest display information in a remaining

area of the screen (Yoda, Abstract). It is respectfully submitted that Yoda also fails to disclose or suggest the limitations set forth above.

Matsumoto, however, provides a technique to divide disks into areas of different sizes so that small amounts of data can be stored in an area of an appropriate size on a single disk (Matsumoto, Abstract). It is respectfully submitted that Matsumoto is related to RAID technology, which is unrelated to video editing as claimed in the present application.

Furthermore, Ellis is related to interactive television program guide systems that allow users to record programs and program guide data on a media server. Yoda, however, is related to the controlling of a terminal device whereby the terminal device displays results of processing that is performed by a host device (Yoda, col. 1, lines 11-14). Matsumoto, on the other hand, relates to a method for storing data in a redundant array of disks. Clearly, an interactive television program guide system, a method for terminal device controlling and a redundant array of disks belong to completely different arts requiring quite differing approaches. There is neither suggestion nor motivation to combine Ellis, Matsumoto and Yoda. It is respectfully submitted that one with ordinary skill in the art would not, based on the teachings of Ellis, Matsumoto and Yoda to combine with each other, because such a combination lacks reasonable expectation of success. Any suggestion for such a combination can only be based on the impermissible hindsight of applicants' own disclosure

Even if they were combined, such combination still lacks the limitations set forth above. Therefore, Applicant respectfully submits that claim 1, as amended, is patentable over Ellis in view of Matsumoto and in further view of Yoda.

Similarly, independent claims 8, 17, 22 and 28, as amended, include limitations similar to those discussed above. Therefore, for at least the reasons similar to those discussed above,

Applicant respectfully submits that claims 8, 17, 22 and 28, as amended, are patentable over Abe in view of Ellis and in further view of Yoda.

Given that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, depend from and include all limitations of one of independent claims 1, 8, 17, 22 and 28, as amended, Applicant respectfully submits that claims 2-3, 6, 11, 13, 15, 18-20, 23-24, 26, 29-30 and 33, as amended, are patentable over Abe in view of Ellis and in further view of Yoda.

Claims 4, 14, 25 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Matsumoto and Yoda, and further in view of Chao et al. US Patent No. 6,714,216 (hereinafter “Chao”). Claims 5, 9-10, 12 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Matsumoto and Yoda, and further in view of Owen John Gamon, US Patent No. 6,345,318 (hereinafter “Gamon”). Applicant hereby reserves the right to swear behind Gamon at a later date. However, Applicant respectfully submits that Applicant’s claims 4, 14, 25, 31, 5, 9-10, 12 and 32 are patentable over the cited references.

These claims depend from one of the above independent claims. It is respectfully submitted that none of the cited references herein, individually or in combination, disclose or suggest the limitations set forth above.

Chao teaches a method of editing video sequences including the steps of displaying a time rectangle of a video sequence on a timeline on a monitor of an editing computer, placing a movable cursor at a selected location along the time rectangle, displaying a miniature version of a video frame corresponding to the selected location of the time rectangle adjacent the cursor in time rectangle and editing the video sequence based upon the displayed video frame (Chao, col. 2, line 66 – col. 3 line 7). Chao also discloses a trimming operation where a processor determines the cursor position and deletes the frames from the beginning of a clip or from the cursor

location of the clip (Chao, col. 6, lines 5-17). However, nowhere does Chao disclose or suggest the limitations set forth above. It is respectfully submitted that Ellis, Matsumoto or Yoda, individually or in combination, fail to disclose or suggest the noted limitations.

Furthermore, for at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Ellis, Matsumoto, Yoda and Chao (e.g., four different references). The Office Action has not provided prima facie case for motivation to combine these references. It is respectfully submitted the one with ordinary skill in the art would not, based on the teachings of these references, combine these references. Such a combination can only be based on the impermissible hindsight of Applicant's own disclosure. Even if Ellis, Matsumoto, Yoda and Chao were combined, such combination still lacks the limitations set forth above.

Gamon teaches a method for presenting only those confirmation messages that the user would like to see (Gamon, col. 2, lines 34-36). In Gamon, a control program allows the user to specify categories of operations in a category list to select which categories receive confirmation messages and to select which categories of operation have deleted data sent to a recycle bin (Gamon, col. 2, lines 36-41). However, nowhere does Gamon disclose or suggest generating the limitations set forth above. Furthermore, Gamon is related to improved information processing systems. For at least the reasons similar to those discussed above, there is neither suggestion nor motivation to combine Ellis, Matsumoto, Yoda and Gamon. Again, the Office Action has not established a prima facie case for combining these four different references. It is respectfully submitted the one with ordinary skill in the art would not, based on the teachings of these references, combine these references. Such a combination can only be based on the impermissible hindsight of Applicant's own disclosure. Even if Ellis, Matsumoto, Yoda and Gamon were combined, such combination still lacks the limitations set forth above.

Therefore, for the reasons similar to those discussed above, the present invention as claimed is patentable over the cited references.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call/email the undersigned attorney.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: March 5, 2008

/Kevin G. Shao/

Kevin G. Shao  
Attorney for Applicant  
Reg. No. 45,095  
Kevin\_Shao@bstz.com

1279 Oakmead Parkway  
Sunnyvale, CA 94085  
(408) 720-8300